

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS
(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.¹

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UNIÓN DE TRABAJADORES DE LA
INDUSTRIA ELÉCTRICA Y RIEGO (UTIER),

Plaintiff,

v.

PUERTO RICO ELECTRIC POWER
AUTHORITY; THE FINANCIAL OVERSIGHT
AND MANAGEMENT BOARD FOR PUERTO
RICO; JOSÉ B. CARRIÓN III; ANDREW G.
BIGGS; CARLOS M. GARCÍA; ARTHUR J.
GONZÁLEZ; JOSÉ R. GONZÁLEZ; ANA J.
MATOSANTOS; DAVID A. SKEEL, JR. AND
JOHN DOES 1-7.,

Adv. Proc. No. 17-228-LTS
Filed in Case No.
17 BK 4780-LTS

Defendants.

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ORDER REGARDING THE LOCATION AND PROCEDURES FOR ATTENDANCE,
PARTICIPATION AND OBSERVATION OF THE JANUARY 10, 2018 AURELIUS/UTIER HEARING

The Court will hear oral argument (the “Hearing”) in connection with the (i)
Objection and Motion of Aurelius to Dismiss Title III Petition (Docket Entry No. 913, the “Motion to

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Dismiss”), (ii) the *Motion of Aurelius for Relief from the Automatic Stay* (Docket Entry No. 914, the “Stay Relief Motion” and, together with the Motion to Dismiss, the “Aurelius Motions”), and (iii) the motion to dismiss filed in the above-captioned adversary proceeding (Adv. Proc. No. 17-228-LTS, Dkt. No. 88, the “UTIER Motion”) on **January 10, 2018 at 11:00 a.m.** (Atlantic Standard Time) (10:00 a.m. Eastern Standard Time) in Courtroom 17C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007 and by video teleconference in a Courtroom to be determined at the United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767.

Counsel taking the position that PROMESA’s method for selecting Oversight Board members is unconstitutional (*i.e.*, proponents of the Aurelius Motions and opponents of the UTIER Motion) will be allocated **90 minutes** for the arguments (collectively). Counsel defending the constitutionality of PROMESA (*i.e.*, the United States, opponents of the Aurelius Motions and proponents of the UTIER Motion) will be allocated **90 minutes** for the arguments (collectively). Counsel must consult with each other in advance as to division among themselves of the allocated time, and must inform the Courtroom Deputy of their specific time allocations and order of appearance upon arrival at the courtroom. Counsel are expected to avoid duplicative argumentation.

Counsel who intend to present argument at the Hearing must file an Informative Motion stating their name, the party for which they intend to appear, and the location (New York or San Juan) at which they intend to appear, **no later than January 5, 2018 at 12:00 p.m.** (Atlantic Standard Time). In addition to identifying Counsel who intend to present argument at the Hearing, **such Informative Motion must also include the name(s) of Counsel who wish to attend the Hearing and be seated at Counsel’s table.** Such information is necessary in order to ensure appropriate courtroom allocations in New York and San Juan.

Other attorneys, members of the press and the general public may attend and observe the hearing in either of the courtrooms. There will also be a live feed of the proceedings for members of the press available in the press room in the New York courthouse and in a designated space in the Puerto Rico courthouse. Attorneys who have entered an appearance in the Title III proceedings may register to listen-in on the proceedings by telephone. Such attorneys must register with CourtSolutions by **January 8, 2018 at 12:00 p.m.** (Atlantic Standard Time) at www.court-solutions.com and pay the fee established by CourtSolutions. No recording or retransmission of the hearing is permitted by any person, including, but not limited to, the parties or the press. Failure to comply may result in sanctions, including suspension of press privileges for members of the press.

Counsel seeking to bring electronic devices into the courtroom for the Hearing must submit such request by e-mail to the following address: swaindprcorresp@nysd.uscourts.gov by **5:00 p.m. (Atlantic Standard Time) on January 5, 2018.** Such requests must be compliant with, and made in the format required by, S.D.N.Y.

Standing Order M10-468, which is published on the S.D.N.Y. website (nysd.uscourts.gov (“Application to Bring an Electronic Device into the Courthouse”)). Counsel’s attention is directed to the technical and device usage restrictions detailed in the Standing Order, and counsel are reminded that devices may not be used for communications purposes in the courtroom.

Counsel are reminded that the request must specify the S.D.N.Y. court appearance date.

SO ORDERED.

Dated: January 3, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge